

**Memphis and Shelby County
Metropolitan Government Charter Commission**

**Minutes
2nd Meeting
November 17, 2009
4:00 p.m.**

Commission members present:

Julie Ellis, Chairperson
Andre Fowlkes, Vice Chairman
Lou Etta Burkins, Secretary/Treasurer
Damon Griffin
Mayor Richard Hodges
Billy Orgel
Chris Patterson
Carmen Sandoval
Dr. Randolph Meade Walker
Rev. Ralph White

Commission members absent:

Linda Kerley
Jim Strickland
Richard Smith
J. W. Gibson

Others present:

Brian Kuhn, County Attorney
John Ryder, Assistant County Attorney
Christy Kinard, Assistant County Attorney
Kelly Rayne, Assistant to County Mayor
Marcia Boyd, Quality Manager, Shelby County Mayor's Office
Mary White, Executive Secretary to County Attorney
Eddie Gentry, IT Department

The second meeting of the Metropolitan Charter Commission was called to order at approximately 4:13 p.m. held at the Shelby County Board of Commissioners Conference Room, 4th Floor, 160 North Main, Memphis, Tennessee 38103. It was determined that a quorum was present.

Julie Ellis called the meeting to order as Acting Chair. Acting Chair Ellis commented on looking forward to the outcome and success of the Commission and stressed the importance of the Commission looking at its objectives, mission and values. Acting Chair Ellis then introduced Marcia Boyd, the Quality Manager for Shelby County Government, to the Commission to facilitate the effort to develop a strategic vision, mission and values.

Marcia Boyd began her presentation to the Commission, whereupon the members participated in an exercise regarding core values. The Commission broke into groups of 3 to 4 and developed

lists of words or values that the respective groups would recommend be used to guide the work of the Charter Commission. The five top values voted on by the Commission members were 1) inclusiveness; 2) efficiency; 3) integrity; 4) innovation; and 5) service. Understandable and sustainable were considered outcomes of a well-written charter.

The next order business to come before the Commission was the approval of the Minutes of the Organizational Meeting held on November 10, 2009. Motion was made by Commissioner Washington and seconded by Commissioner Orgel to approve the minutes of the November 10, 2009 meeting. Thereupon it was unanimously voted to approve the minutes.

A discussion was held on which benchmark cities are to be researched. A motion was made by Commissioner Hodges and seconded by Commissioner Burkins to affirm those cities and to have information presented on each city at the next meeting. It was unanimously voted and approved that the following five cities would be chosen for comparison purposes in relation to consolidation efforts, and the following Commission members volunteered to provide a brief analysis of each particular city as set forth below:

Nashville – Commissioner Chris Patterson;
Louisville – Commissioner Billy Orgel;
Jacksonville – Chairperson Julie Ellis;
Pittsburgh – Commissioner Andre Fowlkes; and
Indianapolis – Commissioner Lou Etta Burkins.

Staff services and costs were the next items of business to be discussed by the Commission. By affirmation of the Commission it was approved that Ms. Christy Kinard would be the “go to” attorney for the Commission with assistance from Brian Kuhn, John Ryder and Herman Morris and his staff from the City. Kelly Rayne was approved to serve as liaison/coordinator for the Commission subject to Mayor Elect Ford’s consent.

The election of officers was next. The floor was opened to nominations for the election of officers. Commissioner Washington nominated Acting Chair Julie Ellis as Chairperson whereupon motion was made by Commissioner Washington and seconded by Commissioner Griffin. The question was called and it was unanimously approved by the Commission that Julie Ellis serve as Chair of the Charter Commission.

The floor was opened for nominations for the office of Vice-Chair. Commissioner Hodges nominated Commissioner Washington to the office of Vice-Chair whereupon Commissioner Washington declined. Commissioner Burkins nominated and made motion that Commissioner Fowlkes be elected to the office of Vice-Chair and it was seconded by Commissioner White. It was unanimously approved by the Commission that Andre Fowlkes serve as Vice-Chair of the Charter Commission.

The floor was opened for nominations for the office of Secretary/Treasurer. Commissioner Billy Orgel nominated and made motion that Commissioner Lou Etta Burkins be elected to the office of Secretary/Treasurer whereupon it was seconded by Commissioner Randolph Meade Walker.

It was unanimously approved by the Commission that Lou Etta Burkins serve as Secretary/Treasurer of the Charter Commission.

The discussion of county-wide services was next on the agenda and how to inventory what government is expected to do. It was suggested that the group review other charters and get those with independent knowledge of services such as law enforcement to come speak from the city and the county as it relates to an annual budget. Services provided to the remaining municipalities such as ambulance services and tax collections were also discussed. It was agreed that data from benchmark cities would be brought to the table for analysis to assist in making decisions.

A list of proposed committees and task forces along with a list of questions that could be considered in relation to the structure of other consolidated governments was distributed by Chair Ellis for the group's review and for possible discussion for the next meetings. The Chair asked group members to list the questions they want answered and indicate which peer (consolidated) cities they would like to hear from.

Commission members were asked to think about how the process should work on how to address the inclusion of citizens at meetings to present their information to the Charter Commission.

The next meeting dates for the Charter Commission are December 3, 2009 and December 17, 2009 at 4:00 p.m. Discussion of location of the meetings then took place regarding several different venues. Kelly Rayne is to reserve the Mayor's Large Conference Room on the 8th floor of the County Administration Building for the next meeting.

Cost discussions took place regarding copying of the Nashville Charter and the amount of the Charter Commission's budget. Several alternatives were discussed on other methods of copying documents, i.e. pdf files, sharing, making your own copy, having the document in one location, etc. Kelly Rayne agreed to keep hard copies of the documents in her office and make them available to any members upon request.

Items for the next Agenda were discussed such as municipal and county-wide services, development of a time line, the time needed to educate the public, the need to get things actually going and sticking to a commitment. Also, it was again stated to the Commission that they cannot discuss among themselves, electronically or otherwise, any aspect which would be voted on at the meetings. Issues pertaining to consolidation and the Charter Commission may only be discussed at the meetings. Discussion continued relative to assigning committees to gather data and to come back and present it to the Commission, and identifying hot buttons to get started. Further comments were made regarding the necessity of an analysis on benchmark cities. The Chair suggested that for the next meeting the Charter Commission look very closely at schools and understand what can and can't be done with respect to schools. It was also suggested that the Commission look at police and sheriff's office functions.

Discussion about consolidating and funding schools continued. Some members questioned whether it was premature to have a big school discussion. Kelly Rayne pointed out that it was her understanding that Memphis City Schools and Shelby County Schools are separate, legal

entities and that only they could decide whether they wanted to consolidate. She further stated that she understood that the Charter Commission could not force the schools to consolidate, but that ultimately the lawyers for the two school systems and the County Attorney would have to weigh in on the matter. County Attorney Brian Kuhn discussed the statute regarding the consolidation of schools with the Charter Commission, stating that the recent statutory amendments changed the laws requiring consolidation of schools when a consolidated government is created, instead making school consolidation permissive rather than mandatory. He indicated that this issue is complicated by the fact that the City School system has its own Charter, and that whether the Charter Commission could even consolidate schools if it wanted to is a legal issue that needs to be worked out. A general discussion by the group ensued not on the merits of “should we” or “shouldn’t we” in relation to consolidating schools, but “can we?”.

For the next meeting, the Chair asked that the group focus on questions that they would like to see addressed, using the questions she distributed earlier in the meeting as a starting point, and to get the background information on the other charters from benchmark cities.

The Chair noted that committees can meet in between these meetings, so once task forces or committees are set up those groups are welcome to meet and discuss some of these issues as these meetings have to be “sunshined” and open to the public, of course, but that is a way to get some of these more detailed things worked out in between meetings of the full Charter Commission.

Kelly Rayne asked the group to respectfully defer the law enforcement discussion to a subsequent meeting, since it involves the issues relating to constitutional officers which will require an in-depth presentation from the County Attorney’s Office, and Brian Kuhn will not be able to attend the next meeting. She suggested instead a presentation at the next meeting on the annexation reserve areas. The group agreed to this substitution.

Motion to adjourn was made by Commissioner Billy Orgel and seconded by Commissioner Damon Griffin. Motion received a unanimous vote in favor of adjournment. Chairperson Ellis declared the meeting adjourned.